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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,727

01/16/2004

Patrick Vogel

PD030019

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24498

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02/24/2009

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EXAMINER

FORDE, DELMA ROSA

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,727	<b>Applicant(s)</b> VOGEL ET AL.	
	<b>Examiner</b> DELMA R. FORDE	<b>Art Unit</b> 2828	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-10, 13 - 22 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7 and 11-12 is/are rejected.
- 7) ☒ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

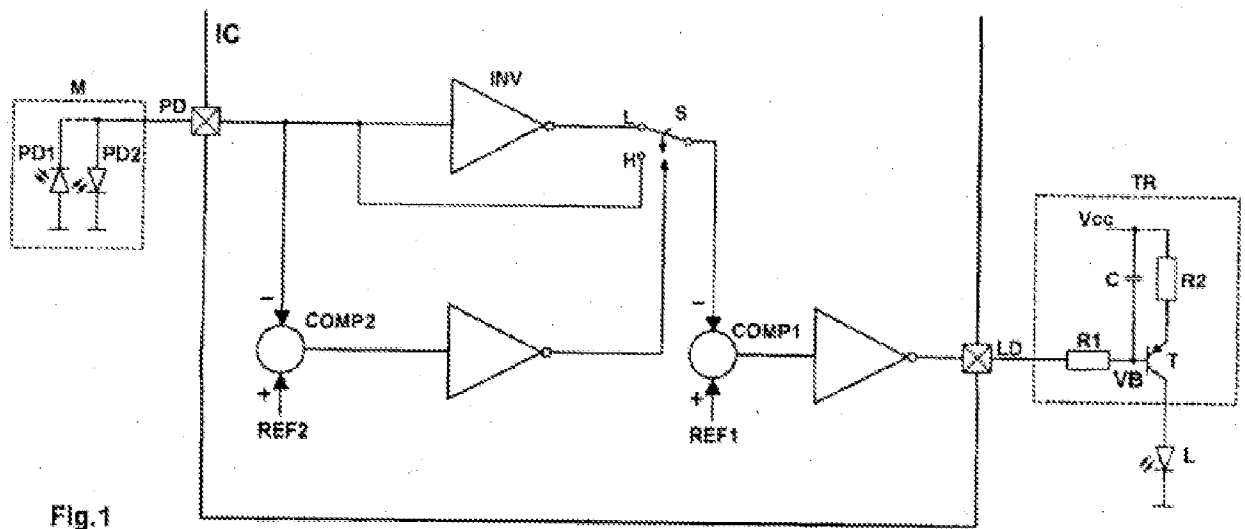
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 7, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehn, Steffen et al. (EP 1111745 A1).



The examiner interpreted the claim with the first configuration of the circuit only, since the second configuration of the circuit is optional.

**Regarding claim 1**, Lehn on Figure 1 discloses a method for controlling of a supply voltage (see Figure 1, Character Vcc) of a light source (see Figure. 1, Character L), the light source being arranged in *one of* a first circuit configuration having an associated first reference voltage level, and a second circuit configuration having an associated second reference voltage level the method comprising the steps of: gradually changing the supply voltage (see Figure 1, Character Vcc, see Figures 7 – 10, Paragraph [0011, Column 5, Lines 44 – 55, Column 8, Lines 6 – 14]) into the direction of the first reference voltage level (see Figure. 1, Character TR, the reference call “driver”, Paragraph [0003]); measuring a light emission of the light source (see Figure. 1, Character L) while gradually changing the supply voltage (see Figure 1, Character Vcc Paragraph [0011]) into the direction on the first reference voltage level Paragraph [0003, 0008 – 0009 and 0011]), if no light emission is measured: during the measuring step, determining that the light source (see Figure 1, Character L) is arranged in the first circuit configuration and controlling the supply voltage after the first reference voltage level has been reached (When there is no voltage, the laser does not work, therefore is inherent that the light source (see Figure 1, Character L) is arranged in the first circuit configuration and controlling the supply voltage after the first reference voltage level has been reached) and if a light emission is measured during the measuring step, determining that the light source is arranged in the second circuit configuration and gradually changing the supply voltage into the a direction of the second reference voltage level and

controlling the supply voltage after the second reference voltage level has been reached (see Figures 1, 2, 7 – 10, Paragraph [0011, Column 5, Line 44 to Column 8 Line 48, When there is voltage, the laser begins to work, therefore that the light source is arranged in the second circuit configuration and gradually changing the supply voltage into the a direction of the second reference voltage level and controlling the supply voltage after the second reference voltage level has been reached).

**Regarding claims 2 and 6,** Lehn on Figure 1 discloses a the first circuit configuration includes an PNP type circuit configuration (see Figure. 1, Character TR, the reference call “driver”).

**Regarding claims 3 and 7** Lehn on Figure 1 discloses a measured by means of a photodiode (see Figure. 1, Characters PD1 and PD2) and wherein the light source comprises a laser diode (see Figure 1, Character L).

**Regarding claim 5,** Lehn on Figure 1 discloses an electronic circuit for controlling a supply voltage (see Figure 1, Character Vcc) of a light source, the light source (see Figure 1, Character L) being arranged in *one of* a first circuit configuration having an associated first reference voltage level, the electronic circuit comprising: means (see Figure. 1, Character TR, the reference call “driver”) for gradually changing the supply voltage (see Figure 1, Character Vcc,

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see Figures 7 – 10, Paragraph [0011, Column 5, Lines 44 – 55, Column 8, Lines 6 – 14]), into a direction of the first reference voltage level a direction of the first reference voltage (see Figure. 1, Character REF1) (Paragraphs [0003 0008 – 0009 and 0011]), means (see Figure. 1, Characters Pd1 and PD2, the reference call “photodetectors”) for detecting light emission of the light source (see Figure. 1, Character L) while the supply voltage (see Figure 1, Character Vcc) is gradually changed into the direction of the first reference voltage level (abstract, Paragraphs [0002, 0005, 0008 and 0011]) and means for determining that the light source (see Figure 1, Character L) is arranged in the first circuit configuration (see Figure. 1, Character TR, the reference call “driver”) if no light emission of the light source (see Figure 1, Character L) is detected while the supply voltage (see Figure 1, Character Vcc) is gradually changed into the direction of the first reference voltage level (see Figure. 1, Character TR, the reference call “driver”) and (abstract, Paragraphs [0002, 0005, 0008 and 0011]) When there is no voltage, the laser does not work, therefore is inherent that the light source is arranged in the first circuit configuration and controlling the supply voltage after the first reference voltage level has been reached), and determining that the light source is arranged in the second circuit configuration and gradually changing the supply voltage into the a direction of the second reference voltage level and controlling the supply voltage after the second reference voltage level (see Figures 1, 2, 7 – 10, Paragraph [0011, Column 5, Line 44 to Column 8 Line 48, When there is voltage, the laser begins to work, therefore that the light

source is arranged in the second circuit configuration and gradually changing the supply voltage into the direction of the second reference voltage level and controlling the supply voltage after the second reference voltage level).

***Allowable Subject Matter***

Claims 2 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: Claims 9 and 18 recites a method and apparatus for operating an optical device, structure including the specific structure limitation of *a second circuit configuration different from the first circuit configuration if the light emission of the light source is detected while the supply voltage is gradually changed into the direction of the reference voltage level*, which is neither anticipated or disclosed nor suggested in any piece of available prior art, which is neither anticipated nor obvious over the prior art of record.

The following is an examiner's statement of reasons for allowance: Claim 18 recites a method for automatically adapting a circuit to a light source structure including the specific structure limitation of *performing an active off phase with a first safety circuit and two current sources; performing with a second safety circuit*

*a start up phase for checking whether the active off phase to control said light source in an off state has been performed, switching off the current source and for providing an enable signal if said light source being in an off state or a switching on of the light source is requested and said light source being in an off state and wherein said enable signal connects the output of the comparator to the output of the circuit connected with said light source; and performing a control operation of the light source with said comparator by comparing a signal provided by said photo detector with a reference signal connected to said comparator,* which is neither anticipated or disclosed nor suggested in any piece of available prior art, which is neither anticipated nor obvious over the prior art of record.

### ***Response to Arguments***

Applicant's arguments filed 10/13/2008 have been fully considered, but they are not persuasive. Applicant argues the prior art lack on page 7 - 8, the applicant said; "Lehr fails to disclose or suggest all elements of the claimed invention. In particular, Lehr discloses a circuit for automatically adapting to the polarity of a photo detector. However, Lehr fails to disclose or suggest, *inter alia*, the ability to determine the particular circuit configuration of a light source, as claimed. The examiner disagrees with the applicant's argument, since the prior art does teach or suggest the particular circuit configuration of a light source, as claimed. The first circuit configuration and controlling the supply voltage after the



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first reference voltage level has been reached (When there is no voltage, the laser does not work, therefore is inherent that the light source (see Figure 1, Character L) is arranged in the first circuit configuration and controlling the supply voltage after the first reference voltage level has been reached) and if a light emission is measured during the measuring step, determining that the light source is arranged in the second circuit configuration and gradually changing the supply voltage into the a direction of the second reference voltage level and controlling the supply voltage after the second reference voltage level has been reached (see Figures 1, 2, 7 – 10, Paragraph [0011, Column 5, Line 44 to Column 8 Line 48, When there is voltage, the laser begins to work, therefore that the light source is arranged in the second circuit configuration and gradually changing the supply voltage into the a direction of the second reference voltage level and controlling the supply voltage after the second reference voltage level has been reached as stated in the rejection above.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably

distinguishes them from the references.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delma R. Fordé whose telephone number is (571) 272-1940. The examiner can normally be reached on M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Sun Harvey can be reached on (571) -272-1835. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Delma R. Fordé/  
Examiner, Art Unit 2828  
January 26, 2009

**/Minsun Harvey/**

**Supervisory Patent Examiner, Art Unit 2828**